

**REMARKS**

Amendment to claim 1 is for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

I. Allowed Claims

Applicant wishes to thank the Examiner for allowing claims 3-28.

II. Claim Rejections under 35 U.S.C. §102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(c) as being anticipated by U.S. Patent No. 5 991,646 ("Frank").

Claim 1 has been amended to recite a region of said microphone having a lowest sensitivity is aimed at said speaker when said microphone boom is located in said first position, and said region is aimed at said speaker when said microphone boom is located in said second position. Frank does not disclose or suggest such limitations. Rather, Frank discloses a microphone arm 102 that is rotatably coupled to a casing 108 (column 3, lines 18-20). Frank does not disclose or suggest a microphone region having a lowest sensitivity that is aimed at a speaker when a microphone boom is located in a first and when the microphone boom is located in a second position. For at least the foregoing reason, Applicant respectfully submits that claims 1 and 2 are allowable over Frank.

**CONCLUSION**


On the basis of the above remarks, the application is believed in condition for allowance. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7036862001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7036862001**.

Respectfully submitted,

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